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UNITED STATES DISTRICT COURT2
DISTRICT OF NEVADA3
Ubaldo Saldana-Garcia,4
Petitioner,5
v.6
Brian E Williams Sr., et al.,7
Respondents.

Case No. 2:19-cv-00441-APG-BNW

**Order Granting Unopposed Motions
to Reopen the Case and for Extension
of Time to File a Motion for Leave to
File a Second Amended Petition**

(ECF Nos. 71; 73)

This habeas matter is before me on two unopposed motions brought by Petitioner Ubaldo Saldana-Garcia: (1) a renewed motion to reopen the case (“Renewed Motion to Reopen” (ECF No. 71)); and (2) a motion requesting a 60-day extension of time to file a motion for leave to file a second amended petition (“Motion for Extension of Time” (ECF No. 73)).

On January 17, 2024, I administratively closed this action while Petitioner exhausted Grounds I, II, IV, V, VI, VII, VIII, and IX of the Amended Petition. ECF No. 66. Petitioner timely filed a motion to reopen this case. ECF No. 68. On March 7, 2025, I denied the motion without prejudice because Petitioner failed to comply with the Court’s prior order as he neither attached as supplemental exhibits the new state court pleadings and state court written decision thereon nor filed a motion for leave to amend along with the proposed amended petition or a motion for extension of time to move for leave. ECF No. 70. On March 14, 2025, Petitioner filed the Renewed Motion to Reopen along with supplemental exhibits of the new state court pleadings and state court written decision and the Motion for Extension of Time to file a motion for leave to file a second amended petition. ECF Nos. 71–73. Respondents do not oppose the motions.

I find Petitioner has now complied with my prior order (ECF No. 66) and the Motion for Extension of Time is made in good faith and not solely for the purpose of delay and there is good cause to grant the motion.

I THEREFORE ORDER that Petitioner Ubaldo Saldana-Garcia’s Unopposed Renewed Motion to Reopen (ECF No. 71) is construed as timely *nunc pro tunc* and is granted.

1 I FURTHER ORDER the stay is lifted by this Order and the Clerk will reopen this matter.

2 I FURTHER ORDER that the Unopposed Motion to Extend the Time for Filing a Motion
3 for Leave to File a Second Amended Petition (ECF No. 73) is granted. Petitioner has until May
4 13, 2025, to file a motion for leave to file a second amended petition. If Petitioner determines that
5 a second amended petition need not be filed, then, within 60 days after entry of this Order,
6 Petitioner must file a notice to that effect.

7 I FURTHER ORDER that Respondents will have 60 days following the filing of the
8 amended petition to file an answer or other response to the amended petition. If Petitioner does
9 not file an amended petition, Respondents will have 60 days following the due date for an amended
10 petition to file an answer or other response to the operative petition.

11 I FURTHER ORDER that Petitioner will have 30 days following the filing of an answer to
12 file a reply.

13 I FURTHER ORDER that Local Rule LR 7-2(b) governs the response and reply time to
14 any motion filed by either party, including motions filed in lieu of a pleading.

15 I FURTHER ORDER that in all other respects the schedule for proceedings set forth in my
16 order in this case entered on June 11, 2019 (ECF No. 9) remains in effect.

17 Dated: March 18, 2025



18 ANDREW P. GORDON
19 CHIEF UNITED STATES DISTRICT JUDGE
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